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TAUNTON PLANNING BOARD MINUTES  
Meeting held at 15 Summer Street  
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DATE: April 1, 2021

BOARD MEMBERS:     Anthony Abreau, Chairman             Arthur Lopes  
                             Bob Campbell, Vice Chairman         John Reardon  
                             Manuel Spencer, Clerk             Dennis I. Ackerman  
                             Brian Carr

ADVISORS:  
                             Michael Patneade, City Engineer  
                             Kevin Scanlon, City Planner

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Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present.  
Meeting opens at 5:32 PM.

**Crowley Estates – E-5 – release of last lot – holding \$72,000 and one lot.**

Manny read the department comments into the record from the City Engineer, City Planner and the consultant. John Guaranito spoke requesting the surety be 1.5 times the completion cost and not 2 times as current Planning Board policy requires. Manny read letters stating surety should be 2 x or an additional \$89,020 for a total of \$161,020 in surety held. Bob Campbell asked for a schedule update. John Guaranito stated there really isn't one at this point, maybe later this year. John Guaranito restated that the surety seems excessive. Tony Abreau stated he would prefer to leave the policy as is. Brian Carr stated we have had to pull bonds in the past and this protects the city. Dennis Ackerman indicated he agreed with other Board members and there should not be any favoritism.

Bob Campbell made motion to release the final lot upon receipt of an additional \$89,020 in surety for a total surety held of \$161,020, seconded by Brian Carr. Unanimous in favor, motion passed

**Run Brook Circle – lot releases requesting to release lots 10, 11, 12, 13, 15, 18 & 27 - holding \$55,440 & \$300,000 bond & 10 lots**

Manny read the department comments into the record from the City Engineer, City Planner and the consultant. Chris Moniz spoke stating he is in agreement with the proposed completion costs.

**Bob Campbell made motion to release the requested lots with no additional surety, seconded by Brian Carr. Unanimous in favor, motion passed**

Motion made by Bob Campbell to approve the February 4, 2021 and March 4, 2021 minutes, seconded by Brian Carr Unanimous in favor, motion passed

**Public Meeting – Site Plan Review- Winthrop Street, Map 88, Lot 115 - for the construction of a 2,520 sq. ft. wholesale building with a 68,275 sq. ft. gravel storage area for fencing materials & equipment with associated site access, parking, utilities, grading and stormwater management system, submitted by Robert Dumont.**

Manny Spencer read a letter REQUESTING A CONTINUANCE TO MAY 13, 2021 .

**Motion made by Bob Campbell and seconded by Dennis Ackerman to continue as requested.**  
**Unanimous in favor, motion passed**

**Public Hearing – 469 Cohannet St. – Special Permit from Section 440 Attachment #1 of the Zoning Ordinance for a 3 family Use in an Urban Residential District, submitted by Ferreira Development Group**

Manny Spencer read a letter REQUESTING TO WITHDRAW the petition without prejudice.  
Motion made by Manny Spencer and seconded by Brian Carr to grant the withdrawal as requested.  
**Unanimous in favor, motion passed**

**Public Meeting – Site Plan Review – 20 Cushman St. - to operate a precast concrete manufacturing operation including storage to structures to property and the installation of chain link security fence, submitted by Leonel Diaz, Diaz Construction Co., Inc., owned by Taunton Scrap Metal LLC.**

Manny Spencer read the Departmental comments from the DIRB, City Engineer, water division supervisor,

Motion made by John Reardon and seconded by Brian Carr to place the Departmental comments on file,  
**Unanimous in favor, motion passed**

Motion made by Brian Carr and seconded by Bob Campbell to invite the petitioners into the table,  
**Unanimous in favor, motion passed**

Ken Ryan, Sitec and Lionel Dias stated that the plan has been revised to incorporate the DIRB comments. Bob Campbell asked about the height of the fence, response from Ken 6 feet. Brian Carr questioned whether the doors would be open or closed during manufacturing, response from petitioner, on and off depending on season and weather. Also, asked about sweeping, petitioner indicated as needed. John Reardon asked about the number of trucks, petitioner replied 60 trips which is less than the previous 112 trips per day. John Reardon asked about using Cushman Street exclusively for trucks, petitioner agreeable to try. Brian Carr asked about hours of operation, hours of operation shall be Monday through Friday 7:00am to 5:00 pm and 8:00am to 1:00 pm weekends. John asked the traffic route and it was answered there is no specific traffic route but they can try to limit to using Cushman Street. They have about 4 deliveries per day and have 7 employees now. They have one concrete truck that comes routinely at 2 PM. John asked when the work day ends and it was answered around 5 PM. He asked if there would be any water testing and he suggested if there is any disruption they would notified the DPW. Brian stated the hours of operation to Monday – Friday 7 – 5 PM weekend 8 – 1 pm. Manny questioned the City Engineer's letter, petitioner responded that they have been addressed in the DIRB comments.

Motion made by Bob Campbell and seconded by John Reardon to open public input, **Unanimous in favor, motion passed**

Motion made by Bob Campbell and seconded by Brian Carr to close public input, **Unanimous in favor, motion passed**

Motion made by Dennis Ackerman and seconded by Arthur Lopes to approve the Site Plan Review with the Department Comments and hours of operation as follows;

Condition #1 That the plans dated February 25, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon commencement of operations for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) two sets of updated plans shall be provided that conforms to this decision prior to commencement of operations

Condition #6) dumpsters shall be located on a concrete pad, enclosed with a 6 foot stockade fence, be kept closed at all times and emptied regularly

Condition #7) outside storage/ staging shall be confined to the areas to the south of the building and behind the building. The area to the north shall be utilized for parking and vehicular traffic flow

Condition #8) DPW permits are required including city licensed contractor, road opening and or trench

Condition #9) DPW specifications apply including hydrant flow testing, pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection and approval, potential inspection for a backflow device by the plumbing inspector or city inspector

Condition #10) prior notice is required before any city water work is to be performed and inspections will be required before backfilling

Condition #11) oil water separators and floor drains shall be shown on the plan

Condition #12) a copy of the agreement for the drainage discharge onto the abutting property

Condition #13) a mesh screen shall be added to the fence along the side property line of 8 Cushman Street

Condition #14) add the lot dimensions to the site plan

Condition# 15) hours of operation shall be Monday through Friday 7:00am to 5:00 pm and 8:00am to 1:00 pm weekends

Unanimous in favor, motion passed, Petition Approved

**Public Hearing – 46 Harrison St. – Repetitive Petition – to allow the petitioner to refile with the Municipal Council - The New proposal is for a 6 family use (original proposal was for a 6 family use with a 60 seat church )**

Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present. Hearing opens at 6:08 PM.

Manny Spencer read the public hearing notice and read department comments from DPW, Fire Department, Conservation Commission, City Planner, City Engineer

Motion made by Bob Campbell and seconded by Brian Carr to place the Departmental comments on file, Unanimous in favor, motion passed

Motion made by Arthur Lopes and seconded by Brian Carr to invite the petitioners into the table, Unanimous in favor, motion passed

Lester Wade, petitioner outlined the changes to the plan. Dennis indicated that the removal of the church is substantial. Manny indicated he agreed but has concerns about the project. Tony reiterated it is only to determine if it's a major change. Bob Campbell agreed.

Motion made by Bob Campbell and seconded by John Reardon to open public input, Unanimous in favor, motion passed

Helen DeSilvia of 44 Harrison Street spoke in opposition. While the church has been eliminated but the apartments has increased as well as the garages added and there is parking from abutting properties is not accounted for. Ruth Thiboutot, 37 Harrison Street spoke in opposition and says she has not been contacted and is concerned about fire protection and the garages added is concerning. Building will be huge and the space around does not seem adequate. She has concerns with fire protection and where are the fire escapes? She stated the Masonic Temple is in the rear and there is no room to get around the building. She is afraid and there is no fire protection plans submitted. She has never met the owner and her main concern is safety. Chairman Abreau advised her this a Repetitive Petition and the Board's job is to determine if there was a significant change and if we vote yes then they will go back to City Council for a public hearing.

Motion made by Bob Campbell and seconded by Arthur Lopes to open close input, Unanimous in favor, motion passed

Manny advised look at the location of the buildings and scale down and to reach out to the neighbors.

Motion made by Dennis Ackerman and seconded by John Reardon to approve the Repetitive Petition with concerns noted by the neighbors, Unanimous in favor, petition granted  
Hearing Closed at 6:22 PM

**Special Permit – 170 Hart St. – 5 Unit multi-family use in an Urban Residential District - must forward a recommendation to Municipal Council**

Manny read the departmental comments from the Fire, water, TMLP, Conservation, City Engineer

Motion made by Bob Campbell and seconded by Arthur Lopes to place the Departmental comments on file, Unanimous in favor, motion passed

Attorney William Rounds and John DeSousa presented for the petitioner. Atty Rounds described the project and how it fits the area. Bob Campbell asked about a recreation area, petitioner said none planned. Manny asked about the bedrooms, petitioner 3 bedrooms, many asked about parking, response, there will be 2 per unit with 3 extra, Brain asked about the front building, response, it is under construction and being converted to a 2 family. Tony asked about sewer, petitioner, force main being run up the left side. Brian asked about landscaping, John DeSousa, shaped area trees and shrubs with mulch, remainder grass. Atty Rounds added no complaints at ZBA hearing. Dennis wants play area shown.

Motion made by Bob Campbell and seconded by Arthur Lopes to send a positive recommendation since the area already contains multifamily properties, the scale is appropriate and that a stipulation be added that a play area be shown on the grass , Unanimous in favor, motion passed

**Public Hearing - A Special Permit/Site Plan Review - 90 Washington Street and 76 Broadway for the redevelopment of the existing buildings into a mixed use development consisting of 34 residential units and 3 commercial units totaling 2,110 sq. ft. in an Office District, submitted by 90 Washington Realty Trust, owned by Roman Catholic Bishop of Fall River.**

Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present. Hearing opens at 6:50 PM Manny Spencer read the public hearing notice and read department comments from DIRB, Water, Fire Department, Conservation Commission, City Engineer, Veolia Water, historic district, and TMLP.

Many read a letter from David Kajko, 10 Church Street requesting a 6 foot privacy fence, grounds better maintained

James Gallagher, 12 Church Street letter to voice concerns of project and possible impacts on his property, wants screening, drainage and lighting to not impact his property and concerned with traffic in the narrow streets and busy intersections, also find a better location for dumpster

Motion made by John Reardon and seconded by Brian Carr to place the Departmental comments on file, Unanimous in favor, motion passed

Motion made by Brian Car and seconded by Arthur Lopes to invite the petitioners into the table, Unanimous in favor, motion passed

Atty. William Manganiello, Dan Aguiar, site engineer, and Arthur Choo, Architect was invited to the table. Atty. Manganiello explained this was a redevelopment of the former St. Mary's School and lodge and convent. The proposal is for 26 units inside the school, 9 residential & 1 business unit in the convent, and 1 combo unit consisting of business and lofted residential unit. Dan Aguiar explained the site consists of 3 structures with asphalt and will be making as little changes as possible. There are 2 driveways and they will be removing 4% of the impervious area and will increase landscaping. They will be having a new parking planned increased landscaping and reduced impervious area. They will use the existing water and sewer cards to see if some testing needs to be done. They have sprinkler systems on both buildings. They will be re-developing the site as a mixed use development with reducing the overall footprint and there will be drastic improvements to the aesthetics of the buildings. Tony stated these buildings have very old utilities and they may need to camera them. Manny asked if there is enough parking spaces for the 36 units with in and out and room for emergency vehicles. Atty. Manganiello stated there was plenty of parking for the school. He stated the covenant building will have 9 residential units with 1 business unit. The rear building known as the lodge will have residential lofted unit with one business suite. The type of business will be something like a small engineer firm, artists or something not of a high impact use. It may be used for the property manager house. There will be 60 trips during the weekday AM Hours and they don't think it will cause any more traffic that what the school had. There is a driveway on Washington Street and Church Street. There will be vehicular access for fire apparatus. Manny asked if there is enough parking and it was answered there is 2 spaces per unit. There are existing curb cuts that meet the demands which is about 26 feet wide and the circulation is around the building entire building. There was concern with if everyone leaves at once. There is an enter/exit with the existing driveway on Washington Street and Church Street. They will keep the existing traffic patterns. Manny stated you cannot take a left coming out from Broadway and it's a tough situation because of the area. Dan said they are trying to minimize the impact on the residences. Dan stated they would like to add a driveway out to Broadway but the State doesn't want that. Brian asked is this was a non-profit company and it was answered no. It will be all market rate and Atty. Manganiello answers the average rent would be about \$1,500. It was asked if there would be any subsidizing and it was answered it's a possibility. Brian hoped they would take Taunton residents first. They will try to maintain the historic character to seek historic credits. Atty. Manganiello stated right now there are no taxes collected from the school and once fully occupied they will be re-assessed. He stated he is aware of neighbor's concerns and they will be fencing the property and try to keep trees and put low profile shrubs. They are keeping all but one tree (tree in left corner will be taken down) Everyone agreed it's a busy street but this will be a drastic improvement. It was asked if there would be an on-site manager and they answered yes they will live there. There will be vetting process and background checks for tenants. Dennis stated this will be beneficial to people who don't drive. He agrees the intersection is tough but it's been like that for a long time. The school had many drop off from parents and this is a better traffic flow. He would like to see a recreation area too. Bob asked about the gym and amphetheater and it was answered it would be left to be

used. It will be part of the community space. Bob asked if there was any pedestrian access and it was answered they could add it. Dan explains the drainage system. It was asked if the chimney will be saved and Dan answers it may because it may be tied to the tax credits. They would prefer to take down but will leave it if they have to.

Motion made by Bob Campbell and seconded by Dennis Ackerman to open public input, Unanimous in favor, motion passed

James Parker, 6 North Pleasant St. stated there is no left turn off Church Street to Washington St & Church Street. The access is difficult. He stated there are 14,000 vehicle trip a day and remember the ambulance enters along the side of this property. Chairman Abreau stated everyone is used to the school being there. Brian suggests contacting the safety officer to go over their proposal because he thinks there will be problems. There will be 22 two-bedroom units, 10 one-bedroom units, and 3 studio with handicapped units on both floors.

Motion made by Bob Campbell and seconded by Arthur Lopes to close input, Unanimous in favor, motion passed

Motion made by Dennis Ackerman and seconded by John Reardon to grant the special permit/ site plan review with the DIRB conditions and as follows;

Condition #1 That the plans dated January 25, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) dumpsters shall be located on a concrete pad, enclosed with a 6 foot stockade fence, be kept closed at all times and emptied regularly

Condition #7) plus and minus shall be removed from all building and lot dimensions

Condition #8) show required ADA curb cuts at the end of all sidewalks and in front of all handicap parking

Condition #9) DPW permits are required including city licensed contractor, road opening and or trench

Condition #10) DPW specifications apply including hydrant flow testing, pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection and approval, potential inspection for a backflow device by the plumbing inspector or city inspector

Condition #11) prior notice is required before any city water work is to be performed and inspections will be required before backfilling

Condition #12) the project must meet City of Taunton sanitary sewer standards and specifications and acceptance testing. Sanitary sewer laterals will need to be updated with outside cleanouts off the buildings and backwater valve protection shall be installed.

Condition #13) a complete CCTV inspection of the sanitary sewer laterals on the property shall be completed from the buildings to the City sanitary sewer main and an updated as built of the sanitary sewer layout shall be provided prior to building permits

Condition #14) fix the parking calculation on the plan to reflect the required and provided number of parking spaces as 78

Condition #15) the drain manhole at the rear of the building shall be a catch basin  
Condition #16) add details for the infiltration trenches in front of the building  
Condition #17) Request the Safety Officer to review the traffic flow  
Condition #18) Taunton Residents shall be offered first choice for residency.  
Condition #19) The applicant make every effort for the residential units to be market rate  
Condition #20) A solid white vinyl 6 foot tall fence shall be erected along the property lines of 10 & 12 Church Street continuing along the property line of abutter on Faith Street.  
Condition #21) The grounds must be maintained and trees trimmed and pruned along the property lines of 10 & 12 Church Street. Plantings be trimmed to avoid any obstruction.  
Condition #22) Add pedestrian access from Church Street.  
Condition #23) Property Manager to be on-site as presented at hearing.

VOTE:

Petition Approved

**Public Hearing - Special Permit/Site Plan Review - 2 & 8 Galleria Mall Drive – to allow the redevelopment of a warehouse use in a Business District, Total building area totaling 1,082,780 sq. ft. with 733 parking spaces, submitted by Portman Industrial, owned by Silver City Holdings, WT, LLC**  
Hearing opened at 7:50 pm

Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present.

Manny read the departmental comments from the DIRB, City Engineer, Water, Veolia Water, and correspondence from the Municipal Council –letter from Warren & Sandra Pond, 1727 County Street/  
Motion made by Bob Campbell and seconded by Brian Carr to place the Departmental comments on file,  
Unanimous in favor, motion passed

Motion made by Bob Campbell and seconded by Arthur Lopes to invite the petitioners into the table,  
Unanimous in favor, motion passed

Bob Field, Field Engineering, Mike Wurtsbough, Todd Morey, Beals Eng. and Elizabeth Pearl, Traffic Engineer.

Portman industrial has a P&S to purchase the property and re-develop the site for warehouse distribution facility. Todd stated they will be constructing 4 buildings and the location is based on the existing conditions. The mall is currently ¾ demolished by the existing owner. The ring road is separated by the wetlands. The infrastructure will be brought up to today's standards. The internal circulation has 2 main access points. Elizabeth explains the traffic and the mall generated 40,000 trip per day during peak hours and 1,000 trips in the a.m. and up to 4,000 trip in the afternoon when it was fully operational. This proposal will be significantly fewer trips. They based their test on the highest use and compared it to the mall and it will be a decrease in the amount of trips. There will be a couple of hundred up to 3,000 trips during the pm. Peak hour. Truck traffic will be between 60 -100 trips per day. They anticipate traffic via Rte 140 to Rte 24. Todd stated they went to ZBA and received height variance for 2 buildings to be 55 feet in height and 2 buildings to be 47 feet in height. They will go to the Conservation Commission in 2 weeks for a Notice of Intent. They will also have to go to the Mass. DOT for a change of use and temporary construction permit. Tony asked who maintains the access to the mall and it was answered it's maintained by the mall. The public way is the ring road where Sears Dept. Store was is part of the mall. Tony asked Mr. Portman if he had any other facilities in the area? Mr. Portman answer he has been in various capacities for the past 17 years as logisitcs, assembling, packaging, mainly e-commerce. They have freezer buildings for tenant specific. Manny asked about the Heart of Taunton and what they were referring to in their request about contributing to their fund. There was a condition in the Municipal Council's Special Permit for the Mall requiring them to contribute monies to the HOT. Mr. Portman stated that a letter was sent to the Council

from a resident from County Street and the Council referred it to the both the ZBA & P.B. John suggests re-directing the use of County Street to Mass. DOT. It was stated the mall is being demolished and they will be closing on the property mid June and all the work is being done by the current owner. Mr. Wurtsbough stated he has heard rumors about a trash recycling refuse company is going in and he publically stated that is not the case. It will be a high level logistics site. John suggesting having a phone number available with the name of person and representative available in case of someone needs to get in contact with them. He asked if one tenant will be occupy each building or will be there several smaller tenants? Mr. Portman answers most likely there will be one tenant in the larger building and possibly several tenants in the smaller buildings. Dennis stated they have very extensive discussion about this at the ZBA hearing and they came to an agreement about the height of the buildings. Buildings 1 & 2 received variance for 55 feet in height and buildings 3 & 4 received variance for 47 feet in height, plus no trash waste transfer station, restricted hours during construction and once the building is weathertight there are no restrictions of hours. Dennis stated this is a good developer and it will be good for the City. Brian asked about what type of trucks will be here and it was answered mostly smaller trucks there may be some large trucks distributing regional. Brian had concerns with the 53 foot tractor trailer trucks and hope they stay on Rte 140 and not the city streets. He asked what are the hours on Saturday and it was answered 8 am – 5 pm and Brian would like to see it more like 7- 1 pm. so the neighbors will have an afternoon without noise. It was asked if they would be blasting and it was answered they have no intention of using explosives. Brian encouraged them to reach out to neighbors with issues. It was noted the closest house is about 1,500 feet away and the trees act as a buffer. They have a 10 month construction period. Mr. Portman the site work will be a few months and it won't be as bad as they think. The project will bring taxes to the City, provide jobs and in all a good project for the city. Mr. Portman stated he didn't think they could agree to cutting work hours on Saturday just in case they have bad weather and during the week. At the ZBA meeting they gave up Sunday hours so they really need to work on Saturday. Bob asked if they would be maintaining the public way and the existing retaining walls? He asked if they are proposing to us the RR and it was answered no. Bob said he would like a condition that no use of any portion of the site until all improvements have been done per the approval. He also would like to exclude Stevens Street and County Street unless it's local deliveries. He suggests re-aligning the 2 main accesses which is now a 4 way stop with stop controls if it's warranted. He suggests providing a sidewalk on the plans. John suggests hours of operation Monday – Friday 7 am – 7 pm Saturday 8am – 5 pm no Sundays. He would support Saturday 7 am – 1 pm Dennis stated the ZBA put Saturdays 8am – 5 pm. This is an isolated area with no residence in the immediate area. After discussion John agreed to 8am – 5 pm. for Saturday. Bob Field stated what generated the discussion at the ZBA was a letter from a County Street resident about concerns about the demo. Bob stated they really need to work on Saturday because of no Sundays. The construction period is about 10-12 month duration and they will push to beat the winter months. Once inside they won't know anyone is their working. Brian stated the closest house is about 1,500 feet away and suggests meeting with neighbors if any issues arise. Dennis stated if there was an issue and they came back anything with ZBA will not approve any variance for height.

Motion made by Dennis Ackerman and seconded by Bob Campbell to open public input, Unanimous in favor, motion passed

No input

Motion made by Brain Carr and seconded by Bob Campbell to open close input, Unanimous in favor, motion passed

Motion made by Dennis Ackerman and seconded by Arthur Lopes to approve the Special Permit/ Site Plan Review with the DIRB comments, ZBA Conditions (3,4,5,6), maintaining the existing Galleria Mall Drive, hotline, no outdoor storage, no railroad access, and road use restrictions as follows;



Condition #1) That the plans dated March 5, 2021 shall govern with the following additional conditions;  
Condition #2) Lighting shall not illuminate any portion of abutting properties  
Condition #3) The site shall be kept clean and clear of debris  
Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc  
Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit  
Condition #6) Dumpsters shall be located on a concrete pad, enclosed with a 6 foot stockade fence, be kept closed at all times and emptied regularly  
Condition #7) That the previously granted variances and special permits granted by the ZBA shall be null and void; ZBA case #3225, case #3323, case #2818, case #1966, case #1854, and the portions of ZBA case #1727 referencing parking space sizes and on premise signs as well as the portions of case #3247 referencing faced signs. Also, for clarity, all previous special permits and site plan reviews granted by the Municipal Council and Planning Board are superseded by this approval. ZBA Case 3233 shall remain in effect.  
Condition #8) Show required ADA curb cuts at the end of all sidewalks and in front of all handicap parking  
Condition #9) The multiple lots shall be merged into one lot prior to any building permits  
Condition #10) A copy of the Mass Highway approval shall be provided prior to any building permits  
Condition #11) Compliance with ZBA Case # 3589 is required (excluding #1 & 2)  
Condition #12) Project shall file for and receive an approval from the Conservation commission or superseding authority  
Condition #13) Floor drains and oil water separators shall be installed in all areas that allow vehicular access to the buildings  
Condition #14) Any retaining wall greater than 4 feet in height requires an engineers stamped design plan which shall be provided prior to any building permits  
Condition #15) Verification of function of existing drainage outfalls shall be completed prior to building permits.  
Condition #16) Provide a communication phone number for concerns during construction to the Planning Board Office and Mayor's Office.  
Condition #17) No outdoor storage or outdoor processing of materials  
Condition #18) The development shall be responsible for maintaining the ring road.  
Condition #19) The site shall NOT be used for anything other than what is was approved for.  
Condition #20) Truck traffic shall use Route 140 and Rte. 24 excludes Stevens Street and County Street south of the site.  
Condition #21) No railroad access shall be utilized

VOTE: Unanimous in favor  
Petition approved  
Hearing closed at 8:59pm

**Public Hearing – 19 Ingell St. - A Special Permit from Section 440 Attachment # 1 of the Zoning Ordinance for the division of lot into two lots with a Special Permit for a triplex on each lot (total 6 units)**

**Request to continue to next month.**

Motion made by Brian Carr to grant continuance, seconded by Arthur. All in favor. Continued to May 13<sup>th</sup> meeting.

**Public Meeting - Site Plan Review - Thrasher Street, property I.D. 47-181 and 47-182 to allow a mixed use building with 2 residential units and 2,400 sq. ft. office use in an Urban Residential District, submitted by Robert Soares, Sr.**

Manny read the Departmental comments from DIRB, city engineer, historic district, water, tmlp  
Motion made by Bob Campbell and seconded by Dennis Ackerman to place the Departmental comments on file, Unanimous in favor, motion passed

Atty Brianna Correia, Robert Soares, and Josh Borden, Arthur Borden and Assoc. for petitioners  
Atty Correia; the ZBA approved the variance for use. The lot will be connected to water and sewer and the parcels will be merged to create a more conforming lot. 9 parking spaces are provided. City sewer to the existing stub is not financially feasible. Would prefer septic in that scenario. Josh stated the current property is on two cess pools tied into a pump chamber. They conducted one test and they could put septic system in but if the connect to sewer the way they are proposing the City will get 3 sewer tie in fees. They are requesting a waiver of the landscaped buffer to 7.5 feet. He owns all the property around. Dennis stated the city will get getting 3 additional sewer tie in fees and if they didn't put sewer in they would need to go back to ZBA for modification of their decision. Mr. Soares will be responsible for the existing pump chamber and they will create a homeowner's association and grant 20 feet wide easement to the City and show it on the 81X plan. Bob asked the 6 inch stub and see if can be cameraed and if it could service the 2 other houses? Josh stated the end will have a manhole and it will be a common sewer pump station. Josh stated they will need to create a homeowner's association.

Motion made by Dennis Ackerman and seconded by Brian Carr to open public input, Unanimous in favor, motion passed

No input

Motion made by Dennis and seconded by Brian to close input, Unanimous in favor, motion passed

Motion made by Bob Campbell and seconded by Arthur Lopes to approve the Site Plan Review with the conditions of the DIRB (except #15), a homeowners association and a 7.5ft buffer waiver as follows;

Condition #1 That the plans dated March 3, 2021 shall govern with the following additional conditions;

Condition #2) Lighting shall not illuminate any portion of abutting properties

Condition #3) The site shall be kept clean and clear of debris

Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc

Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to Building permit

Condition #6) dumpsters shall be located on a concrete pad, enclosed with a 6 foot stockade fence, be kept closed at all times and emptied regularly

Condition #7) The ADA space requires an eight foot access aisle

Condition #8) A landscape plan conforming to section 440-702 shall be provided. Existing vegetation remaining shall be clearly defined and the two front and side bordering the new parking lot are required to have buffers. The landscape plan in the plan set does not conform

Condition #9) The walkway shall be a min of 5 ft in width exclusive of curbing and both ends of the walkway shall have ADA curb cuts

Condition #10) The pavement shall have a 2.5 inch binder and a 1.5 inch top course

Condition #11) The southeast corner near the catch basin shall have a 6 inch min reveal

Condition #12) DPW permits are required including city licensed contractor, road opening and or trench

Condition #13) DPW specifications apply including hydrant flow testing, pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection and approval, potential inspection for a backflow device by the plumbing inspector or city inspector

Condition #14) Prior notice is required before any city water work is to be performed and inspections will be required before backfilling

Condition #15) The trailer to the rear of 47-181 shall be removed

Condition #16) The parcels shall be merged prior to building permit and a confirmatory deed shall be provide for the file prior to building permit

Condition #17) A homeowner's Association shall be established for the maintenance of the sewer pump chamber.

Condition #18) Provide a 20 foot wide access easement to the City of Taunton and show easement on the 81X plan.

Condition #19) A reduction of the landscaping buffer from 15 feet to 7.5 feet as shown on the plans along the property line of Map 47, Parcel 183.

VOTE: Unanimous in favor, motion passed

Petition approved.

**Public Hearing - Form J Plan – Waiver of frontage requirements – to divide one lot into 4 lots for property on Joseph Warner Blvd., Map 90, Lot 144, submitted by H & H Machine Co.**

Hearing opened at 9:24pm

Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present.

Manny read the Departmental comments from city engineer, conservation, historic district, city planner, board of health

Motion made by Arthur Lopes and seconded by Bob Campbell to place the Departmental comments on file, Unanimous in favor, motion passed

Atty Brianna Correia and Jeff Tallman Sitec, they went before the ZBA in February and March and were granted the variances as shown. The original petition had 23 variances which was reduced to 10 variances on revision and was conditioned to 2 units max per lot. This is in the Industrial district but it abuts the Suburban district and 3 of the lots met that districts requirements. Brian Carr wants all driveways to have turnarounds and fit 4 vehicles so no backing out onto the street. Dennis said a couple of neighbors prefer horseshoe driveways. Bob doesn't want to see all pavement it will look awful. Jeff said the intent is to have more than 2 spaces per unit. Bob says put them on the side of garage, lot 3 right side, lot 2 left pushing the house over, minimize pavement. Brian Carr residents concerned when they bought their property. They were told it could never be developed. Main concern was traffic and industrial uses abutting the residential. Should be all residential. A wetland scientist walked the property and there are no wetlands. Manny Industrial land, any residential? Dennis, Malloch developed the property under a 40 B and the City changed the zoning but left this piece Industrial.

Motion made by Bob Campbell and seconded by Brian Carr to open public input, Unanimous in favor, motion passed

None in favor, opposed, Justin Stockwell 48a Shetland drive. Abutting lot 4 wants a 10 ft no cut zone but all the branches are on top, plant arbutus after, Jeff reminds that this is a ZBA condition. Justin states that whole property drains to him, Tony put hill on the 10ft. Jeff states that there is a high point near lot 3 and 4 so it will not drain to him and the soils are good for drainage

Motion made by Dennis and seconded by Manny to close input, Unanimous in favor, motion passed

Motion made to approve the Form J by Dennis Ackerman and seconded by Arthur Lopes with departmental comments, landscape screening and driveway modifications as follows;

1. DPW Permits are required including City licensed contractor, road opening, and or trench.
2. DPW Specifications apply including: hydrant flow testing, pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection and approval.
3. Prior notice is required before any city water work is to be performed, and inspections will be required before backfilling.
4. Remove the asphalt connecting the two parking areas (driveways) on each lot and put grass.
5. Plant arborvitaes (green giants) a minimum of 5 feet in height spaced 5 feet apart on lot 4 along the property line of Map 90 lot 195. (work with Mr. Stockwell on placement)

Unanimous in Favor, motion passed

Hearing closed at 10:03pm

**Public Hearing - A Special Permit from Section 440 Attachment #1 for a two family use on four proposed lots in an Industrial District for property on Joseph Warner Blvd., Map 90, Lot 144, submitted by H & H Machine Co.**

Hearing opened at 10:04pm. Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present. Manny read the Departmental comments from city engineer, conservation, historic district, city planner, board of health, fire, tmlp, and Water Dept.

Motion made by Dennis Ackerman and seconded by John Reardon to place the Departmental comments on file, Unanimous in favor, motion passed

Atty Brianna Correia and Jeff Tallman from Sitec. Brianna, newspaper article from 1998 indicated a desire for residential inn this area. There are no wetlands. Abutters concerns are wetlands and wanted to keep as many trees as possible. The petitioner has a business down the Weir but contemplated on re-locating to this location and put 69,000 sq. ft. and a 24,500 sq. ft. warehouse but opted to keep this residential. They could potentially put 9 units by a Special Permit on this property but are only proposing duplexes on each lot.

Atty. Correia points out there are 7 beautiful duplex just down the road on Colt Circle and this proposal will fit in nicely. Bob asked if they conducted any perc tests and it was answered no. He suggested investigating connected to sewer via Shetand Drive. Jeff stated it makes sense to go with septic systems and connect to sewer is not the preferred method. Bob stated he would like these houses to be tied into sewer. Shetland is an accepted road. Jeff stated they would need about a 1,000 foot sewer extension and the soils are sandy and ideally they would prefer septic but he says ultimately it's up to the Board. Bob stated he would vote for sewer. It's on the corner of Shetland Rd. and Warner Blvd.

Motion made by Dennis Ackerman and seconded by Bob Campbell to open public input, Unanimous in favor, motion passed

Motion made by Dennis Ackerman and seconded by Manny Spencer to close input, Unanimous in favor, motion passed

Manny states that all of Shetland has sewer and Bob states that it isn't a long run, it would benefit future property owners and market value and would have less disruption in site work. John stated there is sewer in the area.

Motion made to approve the Special Permit request for duplexes on the 4 lots by Bob Campbell and seconded by John Reardon with departmental comments, the sewer extended to service the eight units from Shetland Road as follows;

Condition #1) That the plans dated March 8, 2021 shall govern with the following additional conditions;  
Condition #2) Sewer shall be extended to serve the 8 units from Shetland Road  
Condition #3) The proposed culvert shall be a minimum of 15 inch diameter  
Condition #4) The existing drainage ditch along the eastern side of Warner Blvd shall be maintained during construction  
Condition #5) The topography on each lot shall be designed in a manner so that none of the abutting properties are negatively affected  
Condition #6) The driveway construction shall be constructed in a manner so that the drainage ditch shall continue to function allowing stormwater to travel along the edge of the road in a southerly direction  
Condition #7) DPW permits are required including City licensed contractor, road opening and trench  
Condition #8) DPW specifications apply including pressure testing, materials, installation, new water meter with an updated radio frequency unit, inspection and approval. Prior notice is required before any city water work is to be performed and inspections will be required before backfilling

Unanimous in Favor, motion passed

Hearing closed at 10:18pm

**Public Hearing - A Special Permit/Site Plan Review - 1151 Norton Avenue - for an outdoor recreation center (Volleyball court) submitted by Eugene Goulet III & Elizabeth Pedro.**

Hearing opened at 10:20 pm

Roll Call: Ackerman, Reardon, Lopes, Spencer, Carr, Abreau, and Campbell present.

Manny read the Departmental comments from DIRB, city engineer, Veolia Water, historic district, water, Motion made by Dennis Ackerman and seconded by John Reardon to place the Departmental comments on file, Unanimous in favor, motion passed

Atty. Correia explains Liz Pedro & Eugene Goulet purchased house 4 years ago and about 3 years ago they stated holding volley ball classes. Ms. Pedro is a special needs teacher. Atty. Correia read letter from Kathleen about how this service as helped many individuals. She also read 3 more letters citing how compassionate Liz is to her customers. Atty. Correia read several more letters from various people in support offering support for this type of business and hope it doesn't get closed. Atty. Correia stated Liz was unaware she needed any approvals for this type of home business. Atty. Correia state she has received numerous letters of support ( 10 from law enforcement and 9 of them are from local police officers) She pointed 8 out of the 14 names on abutters list are in favor. They have 5 parking spaces and there are no noise complaints because it's too far away. Atty. Correia stated there is no other outdoor volleyball court in the area. She has been here 3 years. Josh stated they located where the septic system is, it's in front of the volley ball court and was put in in the late 1990s per the Title V from B.O.H. Josh also pointed out they have also placed woodchips on their property to get the cars off the roadway. John state the hours of operation in the DIRB are 8am – 8pm and Atty. Correia stated that is fine. John asked if her client reached out to the park & recreation Dept. to see if there were any space available to use? Atty. Correia answers no. John inquire about the bathroom and are they handicapped accessible? Atty. Correia answers according to the plumbing inspection outdoor recreation does not require one but if one is provided it must be ADA compliant. Atty. Correia stated she has a bathroom on the lower level but they really don't use it. Atty. Correia stated they are proposing 5 parking spaces in front and has woodchipped area along her front yard along Norton Ave. John asked if they hold volleyball tournaments? Atty. Correia stated normally there are 2 players against 2 players. John asked if there are any conservation issues and it was answers no. Bob asked size of classes? Liz answers between 1-6 people all age groups. Manny applauded Liz but sees the neighbor's concerns because this is a residential area. He stated she should have the proper parking and he sees she coaches a lot of kids but he thinks there can be some kind of modification. He stated she has a lot of good people in favor however he thinks the hours are too long. Atty. Correia wanted to clarify that her

clients has held indoor lessons at other facilities and she does follow the rules. Atty. Correia pointed out that she isn't busy all day, her day runs about 8-12 and then again 5-8 running May to end of September when it's still light out. Brian stated the zoning laws are in place for a reason and this is a great business but it's in a residential district and she was shut down for a reason. He cannot support this. John stated he was concerned when a group home was going into his neighborhood and he wasn't notified but they turned out to be great neighbors. He also pointed out a home daycare opened in his neighborhood and they turned out to be good neighbors also. He commends Liz on helping the youth. Atty. Correia stated by approving the Special permit with conditions it gives the City make sure it's done properly. Dennis stated this is located about 3/10 of a mile from his house and he never knew it was there. He suggests having no parking allowed on Norton Ave. and hours of operations be: May – June till 7 pm, June – Sept. till 8 pm and after that till 6 pm. Dennis pointed out there is a letter from someone who went before the ZBA in 1987 for business but was turned down and he felt bad because that proposal was on a large plot of land. Bob asked if they wanted a sign and Atty. Correia answers the existing one is sufficient.

Dennis made motion to open public input, seconded by Bob. All in favor.

Opposed: Dennis Horgan, 1085 Norton Ave. stated this neighborhood is a country like atmosphere and he has been there 28 years. He stated the petitioner are great people and his opposition isn't personal. He stated they thought were putting in a volleyball field for their own use. He is torn because he likes them as neighbors but this has affected the neighborhood. He stated the letters in favor are misleading because most of them don't even live in the neighborhood. He asked the Board to deny it based on the residential neighborhood being a country like atmosphere. He stated they ignored the proper procedures and went ahead and opened up a business in a residential district without any approvals. He stated it's very difficult to get in and out of his driveway because of the cars. He stated they should have known they were in a residential district and he never thought there would be a business in his neighborhood. His wife has fought cancer for several years and she just wants to have some peace and quiet. He pointed out there is a recreation field (Harvey street) within a few miles of this that they can look into. Matthew Vanderman, not a Taunton resident stated he has 4 children and it would be a huge disservice if the facility was closed down. He referenced everything that is going on and what Liz provides for these children is needed. He referenced today's youth are dealing with so much these days, (depressions, anxiety, suicide) and this is a much needed service. He stated there is a lack of outdoor space for volleyball and he asks the Board to vote to allow this to remain open. Dennis stated if we turn down she can park on Norton Ave and have all her friends over for volleyball without payment. The letters of support shows it's good service for the city. Dennis stated she could of called it a school and it would be a non-profit and it would be allowed. The petitioners are good people and after listening to all the compassionate letters of support he cannot vote against it. John asked if there is any noise? Atty. Correia plays a phone recording for the Board to hear. At this time Manny Spencer stated there were numerous letters of support and wondered if they wanted them read into the record. The Board asked Manny to count how many were in support. Manny states there were about 131 letters of support (note: clients not Taunton residents) 41 in favor (abutters & Taunton residents) and 6 letters of opposition from abutters. The Secretary informed the Board that if anyone called in to inquire about this they were informed if they cannot make the meeting they could put their concerns in writing and they would be read into the record. The Board voted to allow 6 letter of opposition to be read into the record based on the fact that Atty. Correia read about 6 letters of supports from clients. Letters from Sandra & Michael daRosa Morin, 1070 Norton Ave, Virginia Young, 1092 Norton Ave., Mary St. Germain, 1051 Norton Ave, Rebecca Horgan, 1085 Norton Ave, Thomas Hackett, 920 Norton Ave. Atty. Correia stated her client has a right to have a volleyball court for personal use.

Motion to approve by Dennis Ackerman and seconded by Manny Spencer with DIRB conditions, and the addition of hours, sign and parking restrictions as follows;

Condition #1) That the plans dated March 2, 2021 shall govern with the following additional conditions;  
Condition #2) Lighting shall not illuminate any portion of abutting properties  
Condition #3) The site shall be kept clean and clear of debris  
Condition #4) Two sets of as-builts shall be submitted upon occupancy for all work on site and shall include design engineer and land surveyor certification notes stating the development has been built according to the approved plans. Plans will show all construction of buildings, utilities, grades, setbacks etc  
Condition #5) Two sets of updated plans shall be provided that conforms to this decision prior to commencement of operation  
Condition #6) Hours of operation shall be April to June 8:00am to 6:30 pm, July- August 8:00 am to 8:00 pm, September – October 8:00am to 7:00pm and No hours November to March  
Condition #7) Participant limit shall be 10  
Condition #8) Show the septic system on the plans  
Condition #9) The parking area shall be paved, pitched to drain into the site and shall be striped  
Condition #10) A curb cut permit is required from DPW  
Condition #11) The freestanding sign shall be located next to the parking for the business use.  
Condition #12) Show the water line on the plan  
Condition #13) Restroom facilities if provided shall be accessible  
Condition #14) No Parking shall be allowed on Norton Ave.

Vote: Six in favor, Tony Abreau, Bob Campbell, Dennis Ackerman, Arthur Lopes, John Reardon, Manny Spencer and One Opposed: Brain Carr,

Motion to approve passes 6-1

Hearing closed at 12:13 AM

**Meeting adjourned at 12:13 AM**